

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

11-CR-151-A

v.

BRITTANY GROUND,

Defendant.

**ORDER AUTHORIZING MENTAL COMPETENCY EXAMINATION
OF THE DEFENDANT PURSUANT TO TITLE 18, UNITED STATES CODE,
SECTION 4241(b) AND TITLE 18, UNITED STATES CODE, SECTION 4242(a)**

WHEREAS, the defendant Brittany Ground ("the defendant") is charged in a Superseding Indictment with having violated Title 18 U.S.C. § 1962(d) (Count 1) (RICO conspiracy); Title 18, U.S.C. § 1959(a)(5) (Count 14) (attempted murder in aid of racketeering); Title 18, U.S.C. § 1959(a)(3) (Count 15) (assault with a dangerous weapon in aid of racketeering); Title 18, U.S.C. § 924(c)(1)(A)(iii) (Count 16) (possession and discharge of firearm in furtherance of crimes of violence); Title 21 U.S.C. § 846 (Count 24) (narcotics conspiracy); and Title 18 U.S.C. §§ 924(c) and 2 (Count 25) (possession of firearms in furtherance of a drug trafficking crime); and

WHEREAS, the Court is fully familiar with the criminal proceedings that have been initiated against the defendant; and

WHEREAS, the Court has been advised that the defendant has a medical history which warrants a current mental examination and evaluation of the defendant; and

WHEREAS, counsel for the defendant has affirmatively requested that the defendant's competency be examined, and the Court having heard oral argument on September 18, 2014, in consideration of defense counsel's request for an evaluation of the defendant's competency to stand trial under 18 U.S.C. § 4241 and an evaluation as to defendant's sanity at the time of the offense under 18 U.S.C. § 4242; and

WHEREAS, the government agrees that the defendant's request for a competency examination should be granted under 18 U.S.C. § 4241 and 18 U.S.C. § 4242, it is hereby;

ORDERED, pursuant to 18 U.S.C. §§ 4241(a) and (b) that a psychiatric and/or psychological examination of the defendant be conducted and that pursuant to 18 U.S.C. § 4242(a) that the defendant undergo a psychiatric or psychological examination to determine the existence of insanity at the time of the alleged offense, and a psychiatric or psychological report be filed with the Court pursuant to 18 U.S.C. § 4247(c) containing:

1. The defendant's history and present symptoms, if any;
2. A description of the psychiatric, psychological and/or medical tests that were employed and their results;
3. The name of the examiner(s) and his/her (their) qualifications and

their findings as to the competency to proceed; and

4. The examiner's opinions as to the diagnosis and prognosis; and
5. A determination as to whether the defendant is presently suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her defense; and
6. A determination as to whether the defendant was insane at the time of the offenses charged; and it is further

ORDERED, that pursuant to 18 U.S.C. § 4247(b) defendant is committed to the custody of the Attorney General for a reasonable period. Since the government and the defendant agree that the examination pursuant to 18 U.S.C. § 4241 and 18 U.S.C. § 4242 would likely not be completed within 30 days and 45 days, respectively, as required by statute, the defendant has assented to having the examination completed within 90. It is further

ORDERED, that the United States Marshal shall take the defendant into custody pursuant to the terms of this order and shall promptly deliver her to a suitable facility to be determined by the Attorney General and the United States Marshal shall do this as quickly as possible so as to minimize the period during which the defendant must travel to, be confined in, and be returned from the facility where such examination will be conducted; and it is further

ORDERED, that the time between September 18, 2014, and the date upon which defendant's competency motion is resolved, shall be excluded for the purposes of the Speedy Trial Act pursuant to 18 USC § 3161(h)(1)(A).

s/ H. Kenneth Schroeder, Jr.
H. KENNETH SCHROEDER, JR.
United States Magistrate Judge

DATED: Buffalo, New York
September 18, 2014